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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,609	09/25/2003	Keisuke Tanaka	2091-0296P	5673
2292 7590 02/26/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER QIN, YIXING	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 02/26/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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mailroom@bskb.com

Office Action Summary	Application No. 10/669,609	Applicant(s) TANAKA, KEISUKE	
	Examiner Yixing Qin	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/30/07 have been fully considered. The newly amended claims disclose that there is specification of enlargement of characters in the composite image. While Haeberli talks about image enlargement, it would have been obvious to enlarge text as well. For example, if text was inputted as a caption or title on a 3x5 image, then enlarging the image to a 4x6 image would increase the size of the text as well.

The arguments also state that the cited section of Haeberli only sends preview image information to the user, but does not correspond to the claimed features of specifying character enlargement at the user terminal, generating enlargement data in the previously generated composite image, and sending the enlargement data to the terminal.

The print service apparatus (which would include a web server) sends the image to the user to be seen on the browser. The user can enlarge the composite image/text as described above and send this information to the server. The server would then generated a new updated preview to send back to the user. This basically is generation of enlargement data, which enlarges the previous composite image (say previously 3x5) and then the server would send back an updated image with updated enlarged data (the 4x6 image in the above example). Thus, the Examiner does not believe the current amended claims substantially differentiates from the previously claimed invention, since

the enlargement of data at the user terminal corresponds to the data in the composite image.

While the new claims are not clearly anticipated, they are still obvious over the previously cited Haeberli or Haeberli/Ogata references. New claims 5-8 are also substantially the same and rejected under Haeberli or Haeberli/Ogata.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Haeberli (U.S. Patent No. 6,587,596) .

Regarding claim 1, Haeberli discloses a printing service system comprising a printing service apparatus for providing a service of printing a composite image generated from an image and characters, and a user terminal connected to the printing service apparatus via a network for using the printing service, (Fig. 1)

the printing service apparatus comprising template storage means for storing templates (Fig. 1 - image database 114) used for generating the composite image and template sending means for reading one of the templates from the template storage means according to a template transfer request from the user terminal and for sending

the template to the user terminal, (column 8, lines 41-65 – the received image is a template that can be edited through cropping and adding text information)

the user terminal comprising character input means for inputting the characters to be used for generating the composite image according to the template sent thereto, and for sending the characters to the printing service apparatus, (Fig. 6a-6b, and column 11 line 50 – column 12, line 6. Also column 23, lines 58-65)

the printing service apparatus further comprising composite image generation means for generating the composite image from the characters received from the user terminal and the image according to the template, and image data sending means for generating data of the composite image and sending the composite image data to the user terminal, (Figs. 12a, 12b and column 17, lines 8-27) wherein

the printing service apparatus further comprises:

It does not explicitly disclose “instruction page data sending means for sending, to the user terminal, data of an instruction page for enabling the user terminal to specify enlargement of the characters in the composite image, and

enlargement sending means for generating enlargement data of the characters specified by the user terminal and for sending the enlargement data to the user terminal.”

However, Haeberli discloses in Figs. 12a, 12b and column 17, lines 8-27 and Item 112 of Fig. 1 is a web front that facilitates information transfer and can show how various print previews of enlarged data based upon user input. While Haeberli talks

about image enlargement, it would have been obvious to enlarge text as well. For example, if text was inputted as a caption or title on a 3*5 image, then enlarging the image to a 4*6 image would increase the size of the text as well.

The print service apparatus (which would include a web server) sends the image to the user to be seen on the browser. The user can enlarge the composite image as described above and send this information to the server. The server would then generated a new updated preview.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enlarged characters.

The motivation would have been to allow users to more easily see larger characters or to maintain a constant ratio of images/text when enlarging/reducing images.

Therefore, it would have been obvious to use Haeberli to obtain the invention as specified.

Regarding claim 3, Haeberli discloses a printing service apparatus connected via a network to a user terminal for using a service of printing a composite image generated from an image and characters, the printing service apparatus comprising:

template storage means for storing templates used for generating the composite image; (Fig. 1, item 114)

template sending means for reading one of the templates from the template storage means according to a template transfer request from the user terminal and for sending the template to the user terminal; (Fig. 6a-6b, and column 11 line 50 – column 12, line 6.)

composite image generation means for receiving the characters input from the user terminal to be used for generating the composite image and for generating the composite image from the characters and the image according to the template; (Fig. 6a-6b, and column 11 line 50 – column 12, line 6. and Fig. 12a, 12b)

image data sending means for generating image data representing the composite image generated by the composite image generation means and for sending the image data to the user terminal, (Figs. 12a, 12b and column 17, lines 8-27. Item 112 of Fig. 1 is a web front that facilitates information transfer) wherein

the printing service apparatus further comprises:

instruction page data sending means for sending, to the user terminal, data of an instruction page that enables the user terminal to specify enlargement of the characters in the composite image; (Figs. 12a, 12b and column 17, lines 8-27.) and

enlargement sending means for generating enlargement data representing the characters whose enlargement was specified by the user terminal and for sending the enlargement data to the user terminal. (Figs. 12a, 12b and column 17, lines 8-27 shows that a user can specify different sizes. Again, also see in claim 1 the discussion of the last two limitations with regards to the Haeberli invention)

Regarding claim 5, Haeberli discloses a method for providing a service of printing a composite image generated from an image and characters, said method comprising:

storing templates used for generating the composite image; (Fig. 1, item 114)
reading one of the stored templates according to a template transfer request received from a user terminal via a network; (Fig. 6a-6b, and column 11 line 50 – column 12, line 6)

sending the template from a printing service apparatus to the user terminal via the network, the user terminal inputting the characters to be used for generating the composite image according to the template sent thereto and sending the characters to the printing service apparatus; (Fig. 6a-6b, and column 11 line 50 – column 12, line 6, Also column 23, lines 58-65.)

generating the composite image from the characters received from the user terminal and the image according to the template; (column 8, lines 41-65)

generating data of the composite image and sending the composite image data to the user terminal; (Figs. 12a, 12b, previews of the composite image can be sent to the user)

sending, to the user terminal, data of an instruction page for enabling the user terminal to specify enlargement of the characters in the composite image; (Figs. 12a, 12b and column 17, lines 8-27 – shows webpage with instruction for altering the image) and

generating enlargement data of the characters specified by the user terminal and sending the enlargement data to the user terminal. (Figs. 12a, 12b and column 17,

lines 8-27 – as described in claims 1 and 3 above, the various generation of preview images reads upon this limitation.)

Regarding claim 7, Haeberli discloses a method for providing a service of printing a composite image generated from an image and characters, said method comprising:

storing templates used for generating the composite image; (Fig. 1, item 114)

reading one of the stored templates according to a template transfer request received from a user terminal via a network; (Fig. 6a-6b, and column 11 line 50 – column 12, line 6)

sending the template from a printing service apparatus to the user terminal; (Fig. 6a-6b, and column 11 line 50 – column 12, line 6)

receiving characters input from the user terminal to be used for generating the composite image; (Fig. 6a-6b, and column 11 line 50 – column 12, line 6, Also column 23, lines 58-65.)

generating the composite image from the characters and the image according to the template; (column 8, lines 41-65, one can see this in the preview images)

generating image data representing the composite image and sending the image data to the user terminal; (Figs. 12a, 12b, previews of the composite image can be sent to the user)

sending, to the user terminal, data of an instruction page that enables the user terminal to specify enlargement of the characters in the composite image; (Figs. 12a,

12b and column 17, lines 8-27 – shows webpage with instruction for altering the image) and

generating enlargement data representing the characters whose enlargement was specified by the user terminal and sending the enlargement data to the user terminal. (Figs. 12a, 12b and column 17, lines 8-27 – as described in claims 1 and 3 above, the various generation of preview images reads upon this limitation.)

II. Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haeberli (U.S. Patent No. 6,587,596) in view of Ogata et al (U.S. Patent No. 4,827,349)

Regarding claims 2, 4, 6, 8 Haeberli discloses a method of sending information to be printed at a photo lab.

It does not explicitly disclose “wherein the character input means of the user terminal sends the characters in the form of character codes to the printing service apparatus and the composite image generation means of the printing service apparatus has a Japanese character conversion program for converting the character codes received from the user terminal into the characters to be used for generation of the composite image.”

However, Ogata discloses in column 8, lines 27-45 discloses the conversion of ASCII code to character image when received at a teletex terminal.

Haeberli and Ogata are combinable because both Haeberli and Ogata are both trying to communicate information from one terminal to another.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have transferred a character code instead of the actual character image.

The motivation would have been to allow for faster transfer of information.

Therefore, it would have been obvious to combine Haeberli and Ogata to obtain the invention as specified.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

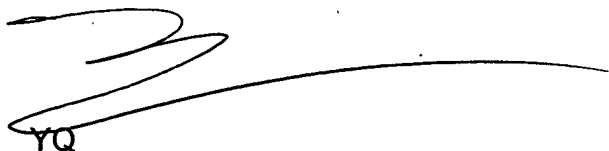
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



YQ



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